IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5220 OF 2007

Smt Kusum J.Mehta .. Petitioner

vs

Pulin Lalitmohan Kinariwala.. Respondent

Mr.P.S.Dani for Petitioner

CORAM : S.A.BOBDE, J

DATED : 3rd August, 2007

P.C.

1. The petitioner has challenged the order of the Division Bench of the Small Causes Court, Mumbai refusing to entertain his revision aplication against the order of the trial Court.

2. The petitioner had applied for permission to deposit the standard rent and permitted increases under section 15 (3) of the Maharashtra Rent Control Act, 1999 as a defendant in the suit. This prayer of the plaintiff was granted and the trial Court permitted him to deposit the amount. Against that order, the petitioner preferred a revision application stating that the order accepting the deposit is erroneous because, the standard rent contemplated therein was excessive.

3. It seems difficult to comprehend any reason as to why the petitioner at all should be heard to say whether in the revision application or any other proceeding that the amount he has deposited is

excessive and therefore the order of accepting his deposit is illegal and is therefore liable to be revised. The petitioner is at liberty to apply for paying the rent revised.

4. Though it was contended that the revision application ought to have been entertained because section 34 (4) makes no distinction between procedural orders and substantive orders and therefore a party is entitled to have any order revised. The circumstances of the case do not warrant any interference by this Court in exercise of its extra ordinary jurisdictiion. Petition is therefore dismissed.

(S.A.Bobde, J)